

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
MARSHALL DIVISION**

PACKET INTELLIGENCE LLC

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v.

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Case No. 2:16-cv-230- JRG

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NETSCOUT SYSTEMS, INC., ET AL.

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**MINUTES FOR JURY TRIAL/BENCH TRIAL  
HELD BEFORE U. S. DISTRICT JUDGE RODNEY GILSTRAP  
OCTOBER 13, 2017**

**OPEN: 8:32 a.m.****ADJOURN: 1:58 p.m.**

ATTORNEYS FOR PLAINTIFF:	See attached.
ATTORNEYS FOR DEFENDANT:	See attached.
LAW CLERKS:	Eric Dunn Patrick Holvey
COURT REPORTER:	Shelly Holmes, CSR-TCRR
COURTROOM DEPUTY:	Jan Lockhart
TIME	MINUTES
8:32 a.m.	Court opened. Hearing outside the presence of the Jury
8:34 a.m.	Jury returned to the courtroom. Court's instructions to the Jury.
9:35 a.m.	Closing argument by Mr. Davis.
9:48 a.m.	Closing argument by Mr. Skiermont.
9:57 a.m.	Closing argument by Mr. Kraeutler
10:27 a.m.	Plaintiff's Final Closing argument.
10:31 a.m.	Court's final instructions.
10:36 a.m.	Jury retired to deliberate. Recess.
10:49 a.m.	Court reconvened. <b>BENCH TRIAL RE INEQUITABLE CONDUCT.</b>
10:50 a.m.	Direct examination of Russell Dietz by Mr. Kraeutler.
10:55 a.m.	DX 522 used.
10:59 a.m.	DX 462 used.
11:00 a.m.	DX 464 used.
11:09 a.m.	DX 473 used.
11:20 a.m.	DX 423 used.

TIME	MINUTES
11:23 a.m.	Cross examination of Russell Dietz by Mr. Hartsell.
11:31 a.m.	Redirect examination of Russell Dietz by Mr. Kraeutler.
11:32 a.m.	Video deposition of Andrew Koppenhaver shown.
11:34 a.m.	DX 349 used (DX 2 on video).
11:35 a.m.	DX 490 used (DX 3 on video).
11:37 a.m.	DX477 used (DX 10 on video).
11:38 a.m.	DX 500 used (DX 13 on video).
11:40 a.m.	Video deposition of Joseph Maixner shown.
11:48 a.m.	<b>BENCH TRIAL SUSPENDED</b>
11:48 a.m.	Jury Note received.
11:49 a.m.	Recess
11:57 a.m.	Messrs. Lyons and Skiermont addressed the proposed exhibits to be sent to the Jury.
12:13 p.m.	Note sent to Jury with exhibits.
12:20 p.m.	Jury returned exhibit PX 160.
12:13 p.m.	<b>BENCH CONFERENCE RECONVENED.</b>
12:14 p.m.	Video deposition of Dov Rosenfeld.
12:20 p.m.	Direct examination of Steve Waldbusser by Mr. Lyons.
12:23 p.m.	DX 58 used.
12:24 p.m.	DX 475 used.
12:31 p.m.	The Court carried the objection.
12:32 p.m.	Direct examination of Steve Waldbusser by Mr. Lyons.
12:43 p.m.	DX 105 used.
12:53 p.m.	DX 658 used.
12:59 p.m.	Cross examination of Steve Waldbusser by Ms. Abdullah.
1:00 p.m.	DX 105 used.
1:02 p.m.	Steve Waldbusser report page 19 paragraph 42 used.
1:07 p.m.	PTX 9 used.
1:09 p.m.	DX 253 used.
1:10 p.m.	Redirect examination of Steve Waldbusser.
1:11 p.m.	DX 475 used.
1:12 p.m.	Parties passed the witness. Defendant rests.
1:12 p.m.	Direct examination of Kevin Almeroth by Mr. Udick.
1:15 p.m.	Cross examination of Kevin Almeroth by Mr. Udick by Mr. Lyons.
1:16 p.m.	DX 475 used.
1:18 p.m.	Parties passed the witness. Plaintiff rests.
1:19 p.m.	Closing argument by Mr. Lyons.
1:23 p.m.	Closing argument by Ms. Abdullah.
1:28 p.m.	The Court took the matter under submission.
1:46 p.m.	Court reconvened. Jury Note No. 2 received.
1:48 p.m.	Jury returned to the courtroom.
1:53 p.m.	Court read verdict. Jury polled confirming a unanimous verdict.
1:58 p.m.	Jury released Court adjourned.